

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-15-FL**

ROBERT TERRACINO and
BRADIE TERRACINO,

Plaintiffs,

v.

TRIMACO, INC.,

Defendant.

**CONSENT MOTION TO EXTEND
TIME FOR DEFENDANT
TRIMACO, INC. TO SERVE ITS
INVALIDITY CONTENTIONS**

Defendant Trimaco, Inc., f/k/a Trimaco, LLC (“Trimaco” or “Defendant”), by and through the undersigned counsel, respectfully moves this Court for an extension of time through and including August 25, 2023 for Defendant to serve its invalidity contentions and accompanying documents pursuant to Local Patent Rules 303.3 and 303.4.

Plaintiffs consent to the requested extension.

In support of this Motion, Defendant states as follows:

1. Following a conference that was held on May 12, 2023, the parties submitted a Joint Rule 26(f) Report to the Court with a proposed schedule to govern this case, including a bifurcated discovery plan to apply up through and including the claim construction process and initial dispositive motion deadline. *See* Dkt. 31 at 5.

2. The Court subsequently entered a Case Management Order on June 9, 2023, adopting the schedule in the Joint Rule 26(f) Report. *See* Dkt. 32. Under the Case Management Order, Plaintiffs were to serve their disclosure of asserted claims and preliminary infringement

contentions and accompanying documents pursuant to Local Patent Rules 303.1 and 303.2 by June 30, 2023. *Id.* at 4.

3. Plaintiffs did not seek an extension of time, but served their disclosure of asserted claims and preliminary infringement contentions on Defendant on or around July 3, 2023. After receiving them, counsel for Defendant requested that they be supplemented and/or amended to provide further detailed information. Plaintiffs' counsel agreed to supplement and/or amend them by no later than August 12, 2023.

4. On August 14, 2023, Plaintiffs served Defendant with amended infringement contentions.

5. While Defendant has been diligently preparing its invalidity contentions, Defendant requests a short extension of time to complete them. The extension will ensure that Defendant has adequate time to consider Plaintiffs' amended infringement contentions, which were received on August 14.

6. This Motion is made in good faith and not for the purpose of delaying these proceedings.

7. Counsel for Defendant has conferred with Plaintiffs' counsel regarding this Motion, and Plaintiffs consent to the requested extension through and including August 25, 2023.

8. A proposed order granting the requested extension is attached to this Motion.

WHEREFORE, Defendant respectfully requests that this Court grant Defendant Trimaco. Inc. an extension of time through and including August 25, 2023 to serve its invalidity contentions and accompanying documents pursuant to Local Patent Rules 303.3 and 303.4.

Respectfully submitted, this the 15th of August, 2023.

/s/ John M. Moye

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**by special appearance*

***special appearance forthcoming*

Counsel for Defendant Trimaco, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2023, I electronically filed the foregoing *Consent Motion to Extend Time for Defendant Trimaco, Inc. to Serve its Invalidity Contentions* with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

/s/ John M. Moye

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